



JTPA

Number: D96-1

Serving the People of California

DIRECTIVE

Date: July 3, 1996

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TO: SERVICE DELIVERY AREA ADMINISTRATORS
PRIVATE INDUSTRY COUNCIL CHAIRPERSONS
JTPD PROGRAM OPERATORS
EDD JOB SERVICE OFFICE MANAGERS
JTPD STAFF

SUBJECT: PLAN MODIFICATIONS AND ADJUSTMENTS, TITLES II AND III
ALLOCATIONS, AND PY 1996 PROCUREMENT GUIDANCE

EXECUTIVE SUMMARY:

Purpose:

The purpose of this Directive is to transmit the final Job Training Partnership Act (JTPA) allocations for Program Year (PY) 1996 (Attachment 1), including the Title III 10 percent allocations to substate grantees based on need (Attachment 2). The Directive provides instructions to Service Delivery Areas (SDA) for making changes in their Job Training Plans to reflect the final allocations. It includes: revised forms for submitting plan adjustments (Attachments 3 and 4); Part II, Section 8 Program Planning Budgets (Attachments 5 through 8); and Part III, Section 8 and Section 9 forms (Attachments 9 and 10). In addition, this Directive provides guidance on procurement for PY 1996 and transmits the Department of Labor (DOL) Training and Employment Information Notice (TEIN) 26-95 (Attachment 11).

Scope:

The guidance in this Directive applies to Job Training Plan changes for all SDAs, necessitated by the final funding allocations. The allocations are for PY 1996, except the Title II-B allocations, which are obligated to the state as federal Fiscal Year (FY) 1996 funds. The procurement guidance applies to all JTPA procurements for PY 1996.

Effective Date:

The guidance in this Directive is effective immediately.

REFERENCES:

- Public Law 104-134
- JTPA Sections 104(c), 202(b), 202(c)(1)(D), 262(b), 302(c)(2), and 302(d)
- Code of Federal Regulations, Title 20 (20 CFR) Section 628.420 (e) (2)
- JTPA Directive D95-28
- JTPA Directive D95-31
- JTPA Information Bulletin B95-146
- JTPA Information Bulletin B95-163
- TEIN 26-95

STATE-IMPOSED REQUIREMENTS:

This Directive contains state-imposed requirements, which are printed in ***bold, italic*** type.

FILING INSTRUCTIONS:

This Directive supersedes Directive D95-32. Retain this Directive until further notice.

BACKGROUND:

The JTPA Section 104(c) requires that SDAs modify the Job Training Plan if changes in labor market conditions, funding or other factors require substantial deviation from the approved plan. Modifications must be published 80 days prior to the effective date and must be jointly approved and jointly submitted by the Private Industry Council (PIC) and the Chief Elected Official (CEO). The JTPA Final Rule 20 CFR Section 628(e)(2) authorizes the Governor to determine what circumstances would require a major modification. Accordingly, the attachment to JTPA Directive D95-31, Job Training Plan and Substate Plan Handbook of Instructions for Program Years 1996 and 1997, stipulates the threshold for plan modifications as a 20 percent or more decrease in funding or planned services, as well as any other substantial deviation or significant change from an approved Job Training Plan that requires local public review/comment and joint approval/submittal by the SDA's PIC and CEO. Final funding allocations based on Public Law 104-134 will not require SDAs to decrease individual program funding or service levels by 20 percent, in most cases. Final allocations, including allocations for the 1996 Summer Youth Employment Training Program (SYETP), were previously transmitted to SDAs under Information Bulletin B95-146, dated May 3, 1996; however, the Title III 10 percent allocations to substate grantees in need are transmitted for the first time with this Directive.

Because of the Congressional budget debate, there was no new funding assured for the 1996 SYETP until mid-April 1996. This was not in time for many SDAs to include plans for usage of these funds as part of their initial submission of the new two-year

Job Training Plans, although some SDAs may have included contingency plans or planned for a summer program using unspent Title II-B carryover, transferred Title II-C funds or non-JTPA funds.

As explained in Directive D95-31, all plan changes not meeting the criteria for a modification can be incorporated into the plan as a plan adjustment. Adjustments are not required to be published prior to submission to the state for approval. Although review and consultation with local partners is not required, SDAs are strongly encouraged to confer with any affected customers to ensure that the proposed change is consistent with local employment and training needs. As further explained in Directive D95-31, there are two separate types of adjustments: those which require PIC concurrence and those which do not. Adjustments shall be considered approved 30 days after receipt is acknowledged by the state unless the SDA is notified during the 30 day post-receipt period that additional or corrected information is required.

Special procurement guidance necessitated by the lateness of Congressional funding was transmitted to states as TEIN 26-95, Subject: JTPA Titles II-A, II-B, II-C and III Procurements under this Year's Continuing Resolution. This guidance was issued before the passage of JTPA funding for PY 1996 under Public Law 104-134. However, it is still considered applicable in that the late passage of PY 1996 funding may make it more difficult for SDAs to have contracts in place by July 1, 1996. The procurement discussion below is based on the TEIN.

POLICY AND PROCEDURES:

The SDAs have the option to decline all or a portion of the Title III 10 percent allocations. ***To implement this option and decline the funds, SDAs must submit a written request to their assigned Program Manager no later than July 31, 1996. Otherwise, the Job Training Partnership Division (JTPD) will issue a unilateral modification to the SDA's master subgrant to include the full amount of the 10 percent funds. The SDAs accepting all or a portion of the 10 percent funds must consolidate these funds with the Title III 50 percent funds in the Job Training Plan.***

All SDAs must submit changes to their Job Training Plans based on the final funding allocations for Title II (including the new Title II-B money) and Title III. These changes must be submitted by August 29, 1996, using one of the following methods:

A. Job Training Plan modification

B. Job Training Plan adjustment with required PIC concurrence

C. Job Training Plan adjustment (PIC concurrence not required)

The procedures for each method are described below.

A. Job Training Plan Modification

A Job Training Plan modification is required when a substantial deviation or significant change from an approved Job Training Plan occurs. Directive D95-31, Job Training Plan and Substate Plan Handbook of Instructions, pages 5 and 6, provides the specific details regarding circumstances when a plan modification is required. The final allocations and the issuance of the Title III 10 percent funds (transmitted with this Directive) would not constitute a substantial deviation or significant change to the Job Training Plan, unless the SDA wishes to make a significant change(s) pursuant to the receipt of the final allocations.

Changes that meet the criteria for plan modifications described in the Handbook of Instructions will require SDAs to submit a modification. The addition of a plan for SYETP to an approved Job Training Plan (i.e., one that contained no SYETP plan) is considered a significant change and normally would require a modification. However, because of funding uncertainties pursuant to the Congressional budget debate and the late issuance of new Title II-B 1996 summer funding, the State of California is authorizing an exception to current policy. See the procedures for plan adjustments below for instructions on incorporating the SYETP into the Job Training Plan.

Procedures for completing a Job Training Plan modification are as follows:

1. Modifications must be published no later than 80 days before they are effective. They are effective upon approval by the state.
2. Proposed modifications must be jointly approved and jointly submitted to the state by the SDA's PIC and CEO.
3. ***Submit four copies of the proposed modification no later than August 29, 1996, to the appropriate address indicated later in this Directive. Original signatures from the authorized PIC and CEO representatives must appear on at least two of the copies. Use the Signature Page provided in the Forms Supplement of the Handbook of Instructions. For further information, refer to the top of page 9 in the Handbook.***

B. Plan Adjustment with Required PIC Concurrence

Changes to the plan that do not meet the criteria for a modification may be incorporated into the plan as an adjustment. The Handbook of Instructions (attachment to Directive D95-31), page 8, provides the specific criteria regarding adjustments that require PIC concurrence. ***The SDAs that did not include a plan for a 1996 SYETP in their 1996-98 Job Training Plan must submit the***

SYETP plan as an adjustment that requires PIC concurrence. At a minimum, such an adjustment must include the following forms:

- ***Part II, Section 5, A.3 and A.4;***
- ***Part II, Section 8B;***
- ***Form V 1996 SYETP Allotment Planning Budget/Participant Summary (use the revised form, Attachment 6 to this Directive; a revised Form IV 1995 SYETP also is included as Attachment 7 for those SDAs needing to make changes regarding 1995 funds usage); and***
- ***Part II, Section 9C.***

One of the criteria for a plan adjustment requiring PIC concurrence is the election of transferring funds within Title II. Public Law 104-134 allows for the transfer of unrestricted amounts of FY 1996 Title II-B funds to PY 1996 Title II-C and vice-versa. A revised Part II, Section 8A, Intra-Title Transfer(s) of Funds Declaration, is included as Attachment 5. As stated in the Handbook of Instructions, the intra-title transfer document does not constitute an actual transfer of funds, but rather documents the intent to transfer funds. As required by Directive D95-28, in order to transfer funds, you must submit in writing ***the following information to your Program Manager:***

SDA Name

Master Subgrant Number

Program Year

Direction of Transfer (Title II-B to Title II-C or Title II-C to Title II-B)

Amount of Transfer

Contact Person

Contact Person's Telephone Number

Date of Request

Upon notification from the Program Manager, the JTPD Financial Management Unit will unilaterally transfer the funds into the SDA's master subgrant.

Procedures for completing and submitting a plan adjustment with PIC concurrence are as follows:

1. ***Complete all SYETP-related forms in Part II, per the Handbook of Instructions and the guidance above.***

The SDAs wishing to transfer Title II-B funds to Title II-C for PY 1996-97 (100 percent maximum) or Title II-C funds to Title II-B (100 percent maximum) must so indicate on form Part II Section 8A (Attachment 5 to this Directive). If not done previously, SDAs may also transfer funds between Title II-C and Title II-A and 1994-95 and 1995-96 Title II-B and Title II-C funds within the specified maximum percentages.

2. **Complete all forms relating to other Title II and Title III fund sources.** (Note: SDAs have the option of submitting changes which do not require PIC concurrence as a separate adjustment; however, it is preferable that all changes be sent as a single adjustment.) **Revised copies of Title II Forms I, II, and III Planning Budget/Participant Summary for allotment years 1994, 1995, and 1996, were sent previously as an errata to Directive D95-31 dated May 21, 1996. Adjustments based on the final Title II allocations (other than Title II-B) must be entered on the Form III, Year of Allotment 1996. A copy is attached for your convenience (Attachment 6). Complete a separate form for each funding source. Also attached are revised Section 8, Title III Participant Plan and the Section 9, Title III Budget Summary (Attachments 9 and 10).**
3. **Complete the attached Plan Adjustment Submittal—PIC Concurrence (Attachment 3). The reason for the plan adjustment is already filled in on the attached form. If you plan to submit other adjustments, please note the additional reasons on this form. Refer part C, below, regarding instructions for adjustments that do not require PIC concurrence.**
4. **Prepare a letter advising the CEO of the changes to the Job Training Plan. Include a copy of this letter with the Job Training Plan adjustment. Check the box indicating that the CEO has been notified.**
5. **Submit four copies of the plan adjustment no later than August 29, 1996, to the address indicated later in this Directive. Original signatures from the authorized SDA representative must appear on at least two of the copies. See the top of page 9 of the Handbook of Instructions for further information.**

C. Procedures for Adjustments Not Requiring PIC Concurrence

All Job Training Plan changes which do not fall within the criteria for a modification or for an adjustment which requires PIC concurrence, as described in the Job Training Plan and Substate Plan Handbook of Instructions for Program Years 1996 and 1997 and parts A and B above, may be submitted as a plan adjustment not requiring PIC concurrence. The SDAs submitting an adjustment for SYETP that requires PIC concurrence may either submit other adjustments as part of that submittal or they may submit the other changes as a separate adjustment. Procedures for completing and submitting a plan adjustment not requiring PIC concurrence are as follows:

1. **Complete the applicable forms regarding all funding sources. Refer to the Handbook of Instructions sent as an attachment to Directive D95-31. At a minimum, this must include the Part II Section 8 and Part III Section 8 and Section 9 budget and participant planning forms. For Part II, use the revised forms sent with the errata to Directive D95-31 and/or the forms attached to this Directive; for Part III, Sections 8 and 9, use the revised forms attached to this Directive.**

2. ***Complete the attached Plan Adjustment Submittal, Attachment 4 to this Directive (do not use the submittal headed "PIC Concurrence").***
3. ***Submit four copies of the plan adjustment no later than August 29, 1996, to the address indicated later in this Directive. Original signatures from the authorized SDA representative must appear on at least two of the copies. See the top of page 9 of the Handbook of Instructions for further information.***

D. Procurement Guidance for PY 1996

Wherever possible, SDAs shall select service providers based on a competitive process. However, the lateness of allocations for PY 1996 may have prevented SDAs from completing a competitive procurement process in time to enter into contracts to effectively serve participants at the beginning of PY 1996. ***Those SDAs should continue or implement procurement procedures as required by JTPA law, regulations, and policy.*** However, those SDAs have several alternatives available to them to maintain service levels while their competitive procurement process is being completed.

The SDAs with existing contracts that include one or more option years may choose to extend those contracts under the options in the contract.

The SDAs with existing contracts that do not include time extension options or contracts for which option years have been exhausted, may justify extending those contracts under JTPA Section 627.420(d)(1)(iv)(B). This section states that an SDA may use the noncompetitive criteria found in the referenced section if, "The public exigency or emergency need for the item or service does not permit a delay resulting from competitive solicitation." ***These extensions are permitted even if the SDA will be entering into a contract with a provider for a fourth year of service. (Current state policy requires that no contract extend past three years without a new competitive procurement process.) These extensions can only extend until such time as the SDAs competitive procurement process can be completed.***

The SDAs that have no existing contracts, may enter into sole source procurement using the justification of "public exigency or emergency need." ***Those contracts can only be effective until such time as the SDA can complete its competitive procurement process.***

In many cases contract extensions or sole source procurements for a time period of less than one year are not practical. For example, the SDA is contracting for training that takes one year or more and it would be detrimental to the participant to switch training providers in mid-course. If this or other situations exist requiring at least a full year contract under a contract extension or sole source procurement, this is allowable, but must be justified and documented in the procurement file.

In all these alternatives, the SDA must take into account the program operator's past performance/ability to perform and the reasonableness of costs. The SDA must fully document the decision and provide justification in the procurement file.

ACTION:

1. Complete all required forms for the modification or adjustment following the guidance in this Directive.
2. Submit four copies, at least two with original signatures, to the appropriate address:

MAIL: Employment Development Department
Job Training Partnership Division
Attn: Program Manager
P. O. Box 826880, MIC 69-1
Sacramento, CA 94280-0001

OVERNIGHT MAIL: Employment Development Department
Job Training Partnership Division
Attn: Program Manager
800 Capitol Mall, MIC 69-1
Sacramento, CA 95814

HAND DELIVERY: Employment Development Department
Job Training Partnership Division
Attn: Program Manager
722 Capitol Mall, Room W1077
Sacramento, CA 95814

3. Distribute the special procurement guidance and TEIN 26-95 to all entities responsible for procurement under JTPA rules.

INQUIRIES:

Address inquiries regarding this Directive to your assigned Program Manager.

/S/ VICKI J. JOHNSRUD
Acting Chief

Attachments Included online

1. JTPA Final Allocations for Program Year 1996 - April 30, 1996
2. JTPA Title III 10 Percent Allocations for PY 1996 - June 12, 1996

Additional attachments not available online. To obtain a copy e-mail JTPD at **JTPDLIB@EDD.CA.GOV** or contact Jim Scholl at (916) 657-4610.

3. Plan Adjustment Submittal - PIC Concurrence
4. Plan Adjustment Submittal
5. Intra-Title Transfer of Funds Declaration
6. Planning Budget/Participant Summary, Title II-A and II-C
7. Planning Budget/Participant Summary, Title II-B 1995
8. Planning Budget/Participant Summary, Title II-B 1996
9. Title III Participant Plan
10. Title III Budget
11. U.S. Department of Labor Training and Employment Information Notice 26-95 JTPA Titles II-A, II-B, II-C, and Procurements under this Year's Continuing Resolution

JTPA FINAL ALLOCATIONS FOR PROGRAM YEAR 1996 - APRIL 30, 1996

Service Delivery Area	Title IIA 77%	Title IIB 100%	Title IIC 82%	Title III 50%	Title IIA 5%
Alameda	\$1,602,005	\$1,555,096	\$234,414	\$1,531,456	\$164,943
Anaheim	775,520	814,725	138,583	611,711	49,537
Butte	827,584	785,679	133,745	676,501	65,135
CLT	542,626	513,524	86,314	587,521	50,948
Contra Costa	1,524,464	1,412,653	240,689	1,500,775	108,216
Foothill	800,671	750,048	127,563	639,418	77,930
Fresno	5,095,496	4,973,189	852,479	4,906,342	213,785
Golden Sierra	1,111,681	1,041,709	176,966	976,222	94,049
Humboldt	539,980	502,978	87,986	369,357	31,736
Imperial	1,625,446	1,572,080	269,411	2,055,210	59,298
Kern/Inyo/Mono	3,952,570	3,741,990	640,992	3,906,023	186,764
Kings County	706,687	614,461	105,201	526,655	25,957
Long Beach City	1,706,792	1,662,177	282,874	1,241,386	125,708
Los Angeles City	18,279,877	17,465,289	2,974,750	13,129,237	1,200,371
Los Angeles County	12,871,512	12,619,337	2,148,985	9,522,487	829,434
Madera County	721,765	690,240	118,470	741,583	30,712
Marin County	402,948	344,606	51,864	362,515	35,408
Mendocino County	380,414	354,723	61,986	286,443	22,246
Merced County	1,384,886	1,335,627	229,166	1,362,108	53,673
Monterey County	2,011,618	1,914,833	328,161	2,022,286	71,687
Mother Lode	583,402	578,321	98,903	426,906	46,406
Napa County	292,093	264,501	44,841	247,773	22,246
NorTEC	1,121,553	973,915	172,750	874,410	72,344
North Central	1,536,920	1,418,917	242,209	1,404,110	89,951
NOVA	499,954	553,339	76,477	641,797	59,375
Oakland City	1,645,972	1,596,990	251,240	1,170,814	148,167
Orange County	3,314,177	3,355,111	567,915	3,301,853	280,176
Richmond City	420,595	398,841	67,819	340,995	30,596

Service Delivery Area	Title IIA 77%	Title IIB 100%	Title IIC 82%	Title III 50%	Title IIA 5%
Riverside County	\$5,452,815	\$5,168,168	\$881,293	\$4,642,449	\$345,967
Sacramento	3,297,916	3,102,613	527,754	2,605,454	230,503
San Benito County	299,361	270,799	48,779	283,806	8,350
San Bernardino City	888,971	869,726	148,256	650,959	48,725
San Bernardino County	4,250,345	4,375,234	745,776	3,292,404	278,668
San Diego Consortium	7,232,241	6,967,790	1,186,088	5,557,640	522,874
San Francisco	2,343,212	2,356,011	309,425	1,711,647	315,681
San Joaquin County	2,925,374	2,840,497	485,439	2,716,853	138,445
San Luis Obispo	653,701	601,829	102,423	473,728	50,851
San Mateo County	1,024,453	961,435	160,342	1,019,439	145,171
Santa Ana City	1,063,754	1,246,021	212,396	621,481	55,509
Santa Barbara	1,138,815	1,096,587	186,783	975,523	76,557
Santa Clara	2,840,109	2,752,122	466,461	2,495,279	179,478
Santa Cruz	1,103,760	1,052,411	179,803	1,128,103	53,712
SELACO	1,258,171	1,242,201	211,356	1,060,165	81,737
Shasta County	809,338	763,986	130,833	684,651	48,667
Solano County	1,132,045	1,004,947	171,867	935,644	56,456
Sonoma County	911,268	829,001	140,289	817,569	78,877
South Bay	1,333,584	1,229,437	209,112	1,097,213	80,751
Stanislaus	2,821,831	2,658,065	454,875	2,910,897	96,098
Tulare County	2,715,982	2,613,102	447,912	2,654,369	108,371
Ventura County	2,198,773	2,191,841	373,210	2,088,916	105,994
Verdugo	806,804	644,825	109,719	582,650	105,452
Yolo County	528,433	498,560	86,105	412,473	27,987
STATE TOTAL	\$115,310,264	\$111,142,107	\$18,789,049	\$96,783,206	\$7,487,679

JTPA TITLE III 10 PERCENT ALLOCATIONS FOR PY 1996 - JUNE 12, 1996

Service Delivery Area	Title III 10%
Alameda	\$306,291
Anaheim	\$122,342
Butte	\$135,300
CLT	\$117,504
Contra Costa	\$300,155
Foothill	\$127,884
Fresno	\$981,268
Golden Sierra	\$195,244
Humboldt	\$73,871
Imperial	\$411,042
Kern/Inyo/Mono	\$781,205
Kings County	\$105,331
Long Beach City	\$248,277
Los Angeles City	\$2,625,845
Los Angeles County	\$1,904,497
Madera County	\$148,317
Marin County	\$72,503
Mendocino County	\$57,289
Merced County	\$272,422
Monterey County	\$404,457
Mother Lode	\$85,381
Napa County	\$49,555
NorTEC	\$174,882
North Central	\$280,822
NOVA	\$128,359
Oakland City	\$234,163
Orange County	\$660,371
Richmond City	\$68,199
Riverside County	\$928,490

Service Delivery Area	Title III 10%
Sacramento	\$521,091
San Benito County	\$56,761
San Bernardino City	\$130,192
San Bernardino County	\$658,481
San Diego Consortium	\$1,111,528
San Francisco	\$342,329
San Joaquin County	\$543,371
San Luis Obispo	\$94,746
San Mateo County	\$203,888
Santa Ana City	\$124,296
Santa Barbara	\$195,105
Santa Clara	\$499,056
Santa Cruz	\$225,621
SELACO	\$212,033
Shasta County	\$136,930
Solano County	\$187,129
Sonoma County	\$163,514
South Bay	\$219,443
Stanislaus	\$582,179
Tulare County	\$530,874
Ventura County	\$417,783
Verdugo	\$116,530
Yolo County	\$82,495
STATE TOTAL	\$19,356,641